

SENATE BILL 1879
By Herron

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 221, Part 4, relative to subsurface
sewage disposal systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-409, is amended by designating the present language as subsection (a) and by adding the following language as new subsection (b):

(b)

(1) To be eligible for certification by the department pursuant to this part as a soil consultant or soil scientist, or for a permit as a subsurface sewage disposal system installer, an applicant shall file with the department a bond designating the department as beneficiary, in the amount of thirty thousand dollars (\$30,000) with a surety company qualified to do business in this state. In lieu of the bond, the applicant may establish a certificate of deposit or an irrevocable letter of credit in a bank, as defined in § 47-4-105, designating the department as beneficiary in the amount of the bond.

(2) The bond, certificate of deposit, or letter of credit is for the use and benefit of any person who is injured pursuant to a subsurface sewage disposal system installation by fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of this part by the soil consultant or soil scientist or subsurface sewage disposal system installer.

(3) The liability of the soil consultant or soil scientist or subsurface sewage disposal system installer may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. The bond,

certificate of deposit, or letter of credit is payable on a pro rata basis as determined by the fact finder, but the aggregate amount may not exceed the amount of the bond, certificate of deposit, or letter of credit.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.